

## **REMARKS**

In the Official Action, the Examiner rejected claims 1-27. Claims 1, 8, 12 and 21 have been amended. Reconsideration of the claims as amended is respectfully requested in view of the remarks set forth below.

### **Rejections under 35 U.S.C. § 112**

The Examiner rejected claims 1-6, 12-20 and 21-27 under 35 U.S.C. § 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Specifically, the Examiner stated:

Claim 2 recites “a display panel to display the plurality of operating condition messages independently of the operating system” is unclear because the operating system is claimed must be used to display alert or condition messages on the display screen. There is no way that the display monitor can be operated itself to display the messages without any help from the operating system. Examiner will interpret that the claim language to mean displaying only the alert and condition messages of the system hardware related problems but not the software operating system related problems when rejecting claims 1, 12, and 21.

Applicants respectfully traverse the Examiner’s assertions. The present application (Pub. No. U.S. 2001/0007140 A1, hereinafter “Pub. ‘140”) is directed to providing an operating system-independent user feedback mechanism for a computer system. Pub. ‘140, paragraph 3. As described in the background section of the present application, the operating system and system monitor may be unavailable during certain critical times, such as initialization/power-up or operation and low power mode. *See* Pub. ‘140, paragraphs 5 and 6. To address these shortcomings of prior systems, the present system is directed to providing a separate user feedback mechanism to monitor a plurality of operating conditions of the computer system and to alert users to the plurality of operating conditions independently of an operating system of the computer system. Pub. ‘140, paragraph 8.

The Examiner asserted that the display panel recited in the present claims cannot be operated without help from the operating system. Applicants traverse this assertion. As clearly described throughout the specification, the presently recited user feedback mechanism which includes a separate display panel from the system monitor, includes a number of hardware and software elements which allow the user feedback mechanism to monitor operating conditions (including fault conditions) of the computer system and to alert a user to the operating conditions independently of the operating system. For instance, Fig. 1 describes and illustrates a number of software interfaces that may be present in the user feedback mechanism to enable such independent monitoring. Fig. 2 illustrates a number of hardware related elements which further enable independent monitoring of operating conditions. The word “independent” simply means “free from the influence, guidance, or control of another or others; self-reliant.” *See e.g.*, <http://dictionary.reference.com>. Applicants respectfully submit that the presently recited claims, which are fully supported by the present specification, provide sufficient detail for those of ordinary skill in the art to understand that the presently recited user feedback mechanism and display panel do indeed monitor operating conditions of the computing system *independently* of the operating system.

With regard to the Examiner’s interpretation of the claim language to mean displaying only error conditions associated with hardware related problems, Applicants respectfully submit that this interpretation is unnecessarily limiting and unsupportable by the present specification. For instance, Applicants respectfully direct the Examiner to paragraph 21 and Figs. 3A and 3B of the present specification which provide exemplary operating system-independent operating conditions which may be monitored and detected using the presently described user feedback mechanism. Such operating conditions are not limited to hardware related problems.

Applicants submit that those skilled in the art would fully appreciate the operating independence recited in the present claims. Accordingly, applicants respectfully submit that the present claims are not indefinite and are fully compliant with 35 U.S.C. § 112, second paragraph. Accordingly, Applicants respectfully request withdrawal of the Examiner's rejections under 35 U.S.C. § 112.

### **Rejections under 35 U.S.C. § 102**

The Examiner rejected claims 1, 3-14 and 16-27 under 35 U.S.C. § 102(b) as being anticipated by Calder (U.S. Patent No. 5, 984,502). Specifically, with regard to the independent claims, the Examiner stated:

Calder teaches a computing system, comprising:  
an operating system (operating system, col. 6 lines 28-40);  
main processor to run the operating system (processors, col. 6 lines 16-40);  
a system monitor coupled to the main processor (workstation 12, col. 6 lines 41-56); and  
a user feedback mechanism to monitor a plurality of operating conditions of the computing system and to alert a user of the computing system to the plurality of operating conditions (alert conditions, col. 2 lines 35-65, col. 12 lines 18-45, and figs. 3-5, and 7), wherein the user feedback mechanism comprises a display panel to display the plurality of operating condition messages independently of the operating system (hardware related problems, figs. 3-5A-B, and 7; col. 7 lines 39-65, col. 8 lines 29-53).

Applicants respectfully traverse this rejection. Anticipation under Section 102 can be found only if a single reference shows exactly what is claimed. *Titanium Metals Corp. v. Banner*, 778 F.2d 775, 227 U.S.P.Q. 773 (Fed. Cir. 1985). For a prior art reference to anticipate under Section 102, every element of the claimed invention must be identically shown in a single reference. *In re Bond*, 910 F.2d 831, 15 U.S.P.Q.2d 1566 (Fed. Cir. 1990). To maintain a proper rejection under Section 102, a single reference must teach each and

every element or step of the rejected claim. *Atlas Powder v. E.I. du Pont*, 750 F.2d 1569 (Fed. Cir. 1984). Thus, if the claims recite even one element not found in the cited reference, the reference does not anticipate the claimed invention.

The Calder reference generally relates to “devices for monitoring and controlling industrial processes.” Col. 1, lines 5-6. More specifically, an object of the invention of the Calder reference is “to provide a more versatile keypad annunciator that allows an operator to manage more effectively and efficiently a modern complex industrial process control system.” Col. 2, lines 19-22. The Calder reference discloses providing a keypad annunciator display through which a user may enter commands and otherwise direct the complex industrial process control system by selecting elements of the keypad display. Col. 2, lines 35-42. Thus, the Calder reference discloses a graphical user interface for an operator to monitor and manage an industrial process control system.

In contrast, and as discussed above, the present application is directed to providing an operating system-independent user feedback mechanism for monitoring a plurality of operating conditions of a computing system and to alert a user, through a display panel, of certain operating conditions of the computing system. Specifically, the present claims recite a user feedback mechanism configured “to display the plurality of operating condition messages *independently* of the operating system.” Emphasis added. As discussed above with reference to the rejections under 35 U.S.C. § 112, the user feedback mechanism recited in independent claims 1, 12 and 21 and described throughout the specification is operating system independent. That is to say that the presently recited user feedback mechanism monitors a plurality of operating conditions, without guidance or control from the operating system. Applicants respectfully submit that the present claims are not anticipated by the Calder reference because the Calder reference merely describes a graphical user interface,

with no mention of operating system independence. Those skilled in the art would appreciate that the keypad annunciator graphical user interface disclosed in the Calder reference does not operate independently of a computer operating system. For this reason alone, it should be clear that the presently recited claims cannot possibly be anticipated by the Calder reference.

While Applicants respectfully submit that the claims as previously recited clearly distinguish over the Calder reference by reciting “a user feedback mechanism...to display the plurality of operating condition messages *independently* of the operating system,” (emphasis added), Applicants have chosen to amend claims 1, 12 and 21 to more clearly set forth the recited subject matter. Accordingly, claims 1, 12 and 21 have been amended to recite a user feedback mechanism comprising “an operating system interface coupled to the operating system, a basic input/output system (BIOS) interface coupled to a BIOS of the computing system and an advanced configuration and power interface (ACPI) interface coupled to ACPI logic of the computing system.” Applicants respectfully submit that by amending the independent claims to recite certain of the features of the user feedback mechanism which may facilitate operating system independence, each of the independent claims clearly distinguishes over the Calder reference by reciting elements not disclosed in the Calder reference. Accordingly, Applicants submit that the present claims are not anticipated by the Calder reference, for this additional reason, as well.

Because independent claims 1, 12 and 21 recite subject matter not disclosed in the Calder reference, the Calder reference cannot possibly anticipate the present claims. Accordingly, Applicants respectfully request withdrawal of the Examiner’s rejection under 35 U.S.C. § 102 and allowance of claims 1, 3-14 and 16-27.

### **Rejections under 35 U.S.C. § 103**

The Examiner rejected claims 2 and 15 under 35 U.S.C. § 103(a) as being unpatentable over Calder (U.S. Patent No. 5, 984,502) in view of Hawkins et al. (U.S. Patent No. 6,304,244 B1). Applicants respectfully traverse these rejections.

The burden of establishing a *prima facie* case of obviousness falls on the Examiner. *Ex parte Wolters and Kuypers*, 214 U.S.P.Q. 735 (PTO Bd. App. 1979). Obviousness cannot be established by combining the teachings of the prior art to produce the claimed invention absent some teaching or suggestion supporting the combination. *ACS Hospital Systems, Inc. v. Montefiore Hospital*, 732 F.2d 1572, 1577, 221 U.S.P.Q. 929, 933 (Fed. Cir. 1984). Accordingly, to establish a *prima facie* case, the Examiner must not only show that the combination includes *all* of the claimed elements, but also a convincing line of reason as to why one of ordinary skill in the art would have found the claimed invention to have been obvious in light of the teachings of the references. *Ex parte Clapp*, 227 U.S.P.Q. 972 (B.P.A.I. 1985).

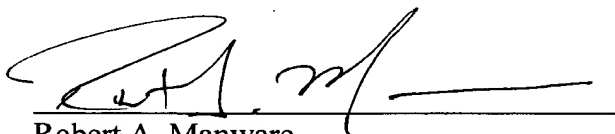
Each of the claims rejected under 35 U.S.C. § 103 is dependent on one of the claims rejected under 35 U.S.C. § 102. For at least the reasons discussed above, Applicants respectfully submit that the cited references fail to disclose all of the elements recited in the present claims. Applicants note that the Hawkins reference does not cure the deficiencies of the Calder reference as discussed above with regard to the independent claims. Accordingly, none of the cited references either alone or in combination, can possibly render the recited subject matter obvious. In view of these remarks, Applicants respectfully request withdrawal of the Examiner's rejections under 35 U.S.C. § 103(a) and allowance of dependent claims 2 and 15 for the reasons set forth above.

**Conclusion**

In view of the remarks and amendments set forth above, Applicants respectfully request allowance of claims 1-27. If the Examiner believes that a telephonic interview will help speed this application toward issuance, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,

Date: October 12, 2004

A handwritten signature in black ink, appearing to read 'R. A. Manware', is written over a horizontal line.

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